

1 James I. Stang (CA Bar No. 94435)
Andrew W. Caine (CA Bar No. 110345)
2 Gail Greenwood (CA Bar No. 169939)
Brittany M. Michael (*Pro Hac Vice*)
3 PACHULSKI STANG ZIEHL & JONES LLP
One Sansome Street, 34th Floor, Suite 3430
4 San Francisco, California 94104-4436
Telephone: 415-263-7000
5 Email: jstang@pszjlaw.com
acaine@pszjlaw.com
6 ggreenwood@pszjlaw.com
bmichael@pszjlaw.com

7
8 Attorneys for the Official Committee of
Unsecured Creditors

9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re

13 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,

14 Debtor.
15
16
17
18

Case No. 23-30564

Chapter 11

**THE OFFICIAL COMMITTEE OF
UNSECURED CREDITORS' MOTION
FOR AN ORDER AUTHORIZING THE
FILING OF DOCUMENTS UNDER SEAL**

Date: March 13, 2025

Time: 1:30 p.m.

Place: Via Zoom Videoconference

Hon. Dennis Montali

19 **TO THE COURT AND INTERESTED PARTIES:**

20 The Official Committee of Unsecured Creditors (the "Committee") of the Roman Catholic
21 Archbishop of San Francisco (the "Debtor") brings this motion to file certain documents under
22 seal pending a determination of whether the Claims Data and IRB Minutes, as defined in the
23 accompanying motion (the "Disclosure Motion"), should be accessible to the public.

24 The Committee requests authority to file Exhibits A, B, and C to the Declaration of
25 Brittany Michael, and redacted portions of the Disclosure Motion (collectively, the "Abuse
26 Information"), under seal pursuant to Bankruptcy Code sections 105(a) and 107(b), Federal Rule
27 of Bankruptcy Procedure 9018, Local Bankruptcy Rule 1001-2(a), and the local district procedures
28

1 adopted by this Court.¹ The motion is supported by the accompanying declaration of Brittany M.
2 Michael. A proposed form of order granting the relief requested is uploaded concurrently
3 herewith in accordance with the local district procedures and attached hereto as Exhibit 1.

4 Pursuant to the local district procedures, **within four court days of the filing of this**
5 **motion, any party may file a declaration in support of or in opposition to the sealing motion.**

6 **I. RELEVANT BACKGROUND**

7 The Committee contends that the aggregated and anonymous Claims Data is not subject to
8 protection under the Bar Date Order [Docket No. 337] and the minutes of the Independent Review
9 Board (IRB) should not be deemed “Confidential” under the parties’ Stipulated Protective Order
10 [Docket No. 374].

11 The Claims Data, submitted as **Exhibit A** to the Michael Declaration, is approximately
12 seven pages in length and identifies the number of claims against named perpetrators, where abuse
13 occurred, when the abuse occurred, types of abuse, the age of the survivors at the time of the
14 abuse, and the age of the survivors now. The Claims Data is anonymous regarding the claimants
15 and omits any claimant personal identifying information.

16 The IRB Minutes, submitted as **Exhibit B** to the Michael Declaration, are comprised of
17 meeting minutes from 2015-2023 of the Independent Review Board that oversees the Debtor’s
18 review of child sexual abuse allegations. The IRB Minutes have been redacted by the Debtor and
19 designated as “Confidential.” The claimant names are not disclosed, or are redacted, and the
20 perpetrator names are typically anonymized.

21 The Committee submits five proofs of claim by survivors as **Exhibit C** to the Michael
22 Declaration,² detailing abuse by a priest who remains on the Debtor’s good standing list despite
23 years of documented child safety concerns. The proofs of claim are submitted for context and out
24 of the Committee’s concern for public safety.

25
26
27 ¹ See *Procedures for Filing Redacted or Sealed Confidential or Highly Sensitive Documents* adopted by the United
28 States Bankruptcy Court for the Northern District of California; [https://www.canb.uscourts.gov/procedure/district/
procedures-filing-redacted-or-sealed-confidential-or-highly-sensitive-documents](https://www.canb.uscourts.gov/procedure/district/procedures-filing-redacted-or-sealed-confidential-or-highly-sensitive-documents)

² These five survivors have expressly consented to disclosure of their claims.

1 Lastly, the Committee has redacted and proposes to file under seal the portions of its
2 Disclosure Motion that are derived from the IRB Minutes pending the Court's determination of
3 whether the minutes are subject to blanket confidentiality.

4 **II. JURISDICTION**

5 The Court has jurisdiction over this motion pursuant to 28 U.S.C. §§ 157(b) and 1334(b)
6 because this is a proceeding arising in or related to a case under the Bankruptcy Code and Federal
7 Rules of Bankruptcy Procedure. This is a core proceeding pursuant to 28 U.S.C. §157(b). Venue
8 is proper pursuant to 28 U.S.C. §§ 1408 and 1409.

9 **III. RELIEF REQUESTED**

10 Pursuant to Bankruptcy Code sections 105(a) and 107(b), Federal Rule of Bankruptcy
11 Procedure 9018, Local Bankruptcy Rule 1001-2(a) incorporating Civil Local Rule 79-5, and the
12 local district procedures adopted by this Court, the Committee requests authority to file the Abuse
13 Information under seal pending the Court's ruling on the Disclosure Motion. The Committee
14 seeks entry of an order, substantially in the form attached hereto as **Exhibit 1**.

15 **IV. LEGAL ARGUMENT**

16 **A. Confidential Documents May Be Filed Under Seal.**

17 Section 105(a) of the Bankruptcy Code empowers the Court to issue "any order, process,
18 or judgment that is necessary or appropriate to carry out the provisions of this title." Bankruptcy
19 Rule 9018 further provides that by motion or on its own, the Court may "issue any order that
20 justice requires to:... protect" the estate or any entity regarding a trade secret, confidential
21 research, or commercial information, or scandalous or defamatory matter. Fed. R. Bank. P.
22 2018(a)(1)-(2). In this case, the Bar Date Order governs the confidentiality of survivors' proofs of
23 claim for the benefit of survivors. The parties' Stipulated Protective Order governs the
24 designation of documents as "Confidential" pursuant to Bankruptcy Code section 107(b). Section
25 107(b) of the Bankruptcy Code, entitled Public Access to Papers, similarly provides that the Court
26 may protect an entity with respect to a trade secret or a person with respect to scandalous or
27 defamatory matters.

1 The Bankruptcy Code, Rules, and local procedures each authorize filing confidential
2 information under seal. The Ninth Circuit recognizes that documents subject to a valid protective
3 order may be filed under seal. *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002);
4 *Folz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1134-36 (9th Cir. 2003); *Kamakana v. City*
5 *& County of Honolulu*, 447 F.3d 1172, 1176 (9th Cir. 2006). However, a strong presumption
6 remains in favor of public access such that the documents may be unsealed upon a showing of
7 good cause. *Id.* An alternative to sealing documents that are subject to a dispute over disclosure
8 is an *in camera* judicial inspection, but the informal proceeding may complicate appellate review.
9 *Folz*, 331 F.3d at 1136 n.6. Bankruptcy courts commonly file confidential financing documents
10 under seal. *See, e.g. In re PG&E Corp.*, Case No. 19-30088 (DM) (Bankr. N.D. Cal. Feb. 4, 2019)
11 (D.I. 286) (granting motion to seal DIP financing fee letters).

12 The Committee seeks authority to file the Abuse Information under seal pending the
13 Court's determination of the accompanying Disclosure Motion. The Debtor refused to stipulate
14 that the Abuse Information, including Claims Data, may be publicly disclosed. Until the Court
15 rules otherwise, the IRB Minutes are subject to confidentiality pursuant to the terms of the parties'
16 Stipulated Protective Order. The Committee's request for sealing is strictly procedural and
17 narrowly tailored so that the Court can consider the Abuse Information to determine whether it
18 should appropriately be made public.

19 **B. The Committee Seeks Disclosure of the Underlying Documents and Only**
20 **Requests Sealing Pending the Court's Review and Consideration of Public**
21 **Interests.**

22 As set forth in the Disclosure Motion, the Claims Data is not subject to protection because
23 survivor information is adequately protected and the IRB Minutes have already been redacted and
24 should not be entitled to blanket confidentiality. *Phillips, supra*, 307 F.3d at 1212 (strong
25 presumption in favor of access to judicial documents can only be overcome only by showing
26 "sufficiently important countervailing interests;" citing authorities); *Kamakana, supra*, 447 F.3d
27 at 1176 (affirming order unsealing documents; "The [district] court reserves the right to unseal
28 materials filed under seal if, upon reviewing the sealed materials, the court determines that they
should be available to the public or otherwise do not merit sealed status.").

1 The Committee requests authority to file the Abuse Information under seal, consistent with
2 the Bar Date Order and the Stipulated Protective Order, for the limited purpose of assisting the
3 Court's determination of the Disclosure Motion.

4 **V. NOTICE**

5 Notice of this motion will be provided to the United States Trustee, counsel for the Debtor,
6 and all persons who are on the Limited Service List as of January 31, 2025 [Docket No. 979]. The
7 Committee submits that no further notice is required.

8 **VI. CONCLUSION**

9 The Committee respectfully requests that the Court enter an order authorizing the
10 filing under seal of Exhibits A, B, and C to the Declaration of Brittany Michael and
11 redacted portions of the Disclosure Motion, all pending the Court's determination of
12 whether such information should appropriately be made public.

13
14 Dated: February 4, 2025

PACHULSKI STANG ZIEHL & JONES LLP

15
16 By /s/ James I. Stang

17 James I. Stang
18 Andrew W. Caine
19 Gail Greenwood
20 Brittany M. Michael

21
22 Attorneys for the Official Committee of
23 Unsecured Creditors
24
25
26
27
28

EXHIBIT A

1 James I. Stang (CA Bar No. 94435)
Andrew W. Caine (CA Bar No. 110345)
2 Gail Greenwood (CA Bar No. 169939)
Brittany M. Michael (*Pro Hac Vice*)
3 PACHULSKI STANG ZIEHL & JONES LLP
One Sansome Street, 34th Floor, Suite 3430
4 San Francisco, California 94104-4436
Telephone: 415-263-7000
5 Email: jstang@pszjlaw.com
acaine@pszjlaw.com
6 ggreenwood@pszjlaw.com
bmichael@pszjlaw.com

7
8 Attorneys for the Official Committee of
Unsecured Creditors

9 **UNITED STATES BANKRUPTCY COURT**
10 **NORTHERN DISTRICT OF CALIFORNIA**
11 **SAN FRANCISCO DIVISION**

12 In re
13 THE ROMAN CATHOLIC ARCHBISHOP
OF SAN FRANCISCO,
14
15 Debtor.

Case No. 23-30564

Chapter 11

**ORDER GRANTING THE OFFICIAL
COMMITTEE OF UNSECURED
CREDITORS' MOTION FOR AN ORDER
AUTHORIZING THE FILING OF
DOCUMENTS UNDER SEAL**

17
18 The Court has considered the *Motion to File Documents Under Seal* [Docket No. ____]
19 (“Motion to Seal”) and supporting declaration filed by the Official Committee of Unsecured
20 Creditors (the “Committee”) in the above-captioned case. Based upon the record before the Court,
21 including the Committee’s *Motion for an Order Authorizing Disclosure of Independent Review*
22 *Board Minutes and Aggregated Claims Data* (“Disclosure Motion”) and the Declaration of
23 Brittany Michael in support of the Disclosure Motion (“Michael Declaration”), pursuant to
24 Bankruptcy Code sections 105 and 107, Bankruptcy Rule 9018, and the District Procedures of the
25 Bankruptcy Court for the Northern District of California, and for good cause,

26 **IT IS HEREBY ORDERED:**

27 1. The Motion to Seal is GRANTED.
28

